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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW R. LINDNER, et al.,

Plaintiffs,

vs.

FORD MOTOR COMPANY, et al.,

Defendants.

Case No. : 2-10-CV-0051-LDG-LRL

**DEFENDANT EVENFLO COMPANY,
INC.'S MEMORANDUM IN RESPONSE
TO PLAINTIFF'S OBJECTIONS TO
EXHIBIT 516 [Doc. 184]**

MEMORANDUM OF POINTS AND AUTHORITIES

In connection with its objection to certain demonstrative exhibits and other exhibits listed on Evenflo's Final Trial Exhibit List filed on September 30, 2015 [Doc. No. 158], Plaintiff incorrectly characterizes the exhibits as an attempt by Evenflo to offer undisclosed expert opinions and has filed a motion to exclude use of the exhibits by Evenflo at trial. [See Plaintiff's Objections to Defendant's Trial Exhibits and Motion to Exclude Undisclosed Additional Expert Opinions, Doc. Nos. 175-185 ("Plaintiff's Objection")]. For the reasons set forth below, Plaintiff's motion must be denied. The motion also is premature in multiple respects.

Plaintiff's Objection [Doc. No. 175] was original improperly filed as it contained multiple separate arguments in one document. Plaintiff thereafter corrected his error by refiled the same motion with separate headings. Defendant has responded to all arguments in one motion – Defendant Evenflo Company, Inc.'s Memorandum in Opposition to Plaintiff's Objection to Exhibits and Motion to Exclude Undisclosed Expert Opinions [Doc. No. 189]. Defendant further breaks its arguments into separate arguments related only to a specific exhibit for ease of the Court in working through the documents and to set forth a clear docket.

Response to Plaintiff's Objection to Autopsy Report (Evenflo Exhibit 516)

Plaintiff objects to the fact that Evenflo listed the Autopsy report of Elsy Lindner, but did not include the photos. The photos are graphic and would be unfairly prejudicial if introduced into evidence. Each side's expert has testified about the injuries sustained by Elsy and the location of those injuries. If a particular photo is needed to establish a point in dispute, the parties can take that up with the Court during the trial. Otherwise the autopsy photos should not be introduced into evidence.



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2 DATED this 5th Day of October, 2015.
3

4 /s/ Rosemary Missisian
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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of October, 2015, a true and correct copy of the foregoing **DEFENDANT EVENFLO COMPANY, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF'S OBJECTIONS TO EXHIBIT 516 [Doc. 184]** was served by operation of the Court's electronic filing system on the following counsel of record:

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